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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/561,314

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Hiroshi Yahata

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EXAMINER

PHANTANA ANGKOOOL, DAVID

ART UNIT

PAPER NUMBER

2175

NOTIFICATION DATE

DELIVERY MODE

09/03/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/561,314	Applicant(s) YAHATA ET AL.	
	Examiner David Phantana-angkool	Art Unit 2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>7/09</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This action is responsive to the following communications: RCE filed on June 2nd, 2009.
2. Claims 15-25 are pending claims.
3. Applicants canceled claims 1-14.
4. Applicants added claims 15-25

Continued Examination Under 37 CFR 1.114

5. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/02/2009 has been entered.

Claim Rejections - 35 USC § 102

6. **The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:**

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. **Claims 15-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Setogawa et al., US# 6,469,718 B1 (hereinafter Setogawa).**

As for independent claim 15:

Setogawa shows a recording medium comprising:

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a graphics stream which represents an interactive display including a plurality of graphical button materials to be overlaid with a motion picture wherein:

- said graphics stream includes a plurality of graphics data sets; the interactive display includes at least a button material A and a button material B (8:30-65 and 10:61-11:15, Setogawa shows a plurality of buttons material);*
- the graphics data sets include a graphics data set $G[An, Bn]$ corresponding to a normal state, a graphics data set $G[As, Bs]$ corresponding to a selected state, and a graphics data set $G[Aa, Ba]$ corresponding to an active state (9:1-23, see Button Information Data, Select Color Data, and Action Color Data);*
- the graphics data set $G[An, Bn]$ corresponding to the normal state includes at least graphics data An composing the normal state n of the button material A, and graphics data Bn composing the normal state n of the button material B (9:1-23, see Button Information Data, Select Color Data, and Action Color Data);*
- the graphics data set $G[As, Bs]$ corresponding to the selected state includes at least graphics data As composing the selected state s of the button material A, and graphics data Bs composing the selected state s of the button material B (9:1-23, see Button Information Data, Select Color Data, and Action Color Data);*
- the graphics data set $G[Aa, Ba]$ corresponding to the active state includes at least graphics data Aa composing the active state a of the button material A, and graphics data Ba composing the active state a of the button material B (9:1-23, see Button Information Data, Select Color Data, and Action Color Data);*
- the plurality of graphics data sets are disposed in an order of the graphics data set $G[An, Bn]$, the graphics data set $G[As, Bs]$, and the graphics data set $G[Aa, Ba]$ (11:20-34, Setogawa shows the dynamic highlight operation in which the system renders the graphics data sets onto the display screen).*

As for independent claim 16:

Setogawa shows the recording medium of Claim 15, further comprising play list information, wherein:

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- *said play list information includes main-path information and sub-path information; said main-path information indicates a video stream as a main stream and defines a reproduction section of the main stream; said sub-path information indicates said graphics stream as a sub stream which synchronizes with said main stream, defines a reproduction section of said sub stream and includes synchronization information; said synchronization information indicates a synchronization point on a reproduction time axis of said main stream (see Chapter Menu in col. 5, lines 50-58 and Angle Menu in col. 6, lines 10-25. The cited section shows main-path information and sub-path information along with synchronization information);*
- *said interactive display is represented to be overlaid with a picture of said video stream in said reproduction section of said main stream (4:39-5:30, where Setogawa shows main-path information and sub-path information as the interactive display overlaid with video stream data. Setogawa further discuss video and audio data in 6:57-67).*

As for independent claim 17:

Setogawa show the recording medium of Claim 16, wherein: *the recording medium containing the graphics stream and the play list information is a re-writable recording medium, and said video stream is recorded on a read-only optical disc (see optical disc in 1: 15-34).*

As for independent claim 18:

Setogawa shows a reproduction apparatus for reproducing a graphics stream, said reproduction apparatus comprising:

- *a graphics decoder operable to decode the graphics stream and obtain an interactive display including a plurality of graphical button materials, wherein: the graphics stream includes a plurality of graphics data sets; the interactive display includes at least a button material A and a button material B (8:30-65 and 10:61-11:15, Setogawa shows a plurality of buttons material);*
- *the graphics data sets include a graphics data set $G[A_n, B_n]$ corresponding to a normal state, a graphics data set $G[A_s, B_s]$ corresponding to a selected state, and a graphics data set $G[A_a, B_a]$ corresponding to an active state (9:1-23, see Button Information Data, Select Color Data, and Action Color Data);*

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- *the graphics data set $G[A_n, B_n]$ corresponding to the normal state includes at least graphics data A_n composing the normal state n of the button material A, and graphics data B_n composing the normal state n of the button material B (9:1-23, see Button Information Data, Select Color Data, and Action Color Data);*
- *the graphics data set $G[A_s, B_s]$ corresponding to the selected state includes at least graphics data A_s composing the selected state s of the button material A, and graphics data B_s composing the selected state s of the button material B (9:1-23, see Button Information Data, Select Color Data, and Action Color Data);*
- *the graphics data set $G[A_a, B_a]$ corresponding to the active state includes at least graphics data A_a composing the active state a of the button material A, and graphics data B_a composing the active state a of the button material B; and the plurality of graphics data sets are disposed in an order of the graphics data set $G[A_n, B_n]$, the graphics data set $G[A_s, B_s]$, and the graphics data set $G[A_a, B_a]$; said graphics decoder uses graphics data belonging to the graphics data set $G[A_n, B_n]$ corresponding to the normal state and graphics data belonging to the graphics data set $G[A_s, B_s]$ corresponding to the selected state for presenting an initial display of the interactive display, and uses graphics data that, among the graphics data belonging to the plurality of graphics data sets $G[A_n, B_n]$, $G[A_s, B_s]$, and $G[A_a, B_a]$, is not used for the initial display, for updating the interactive display upon a user operation (4:39-67 and 15: 27-42, Setogawa shows a DVD player which reads the DVD format and renders the graphical data onto the display screen).*

As for dependent claim 19:

Setogawa shows the reproduction apparatus of Claim 18, further comprising:

a graphics plane storing at least some of decompressed graphics data that is to be overlaid with the motion picture, wherein said graphics decoder includes: a graphics processor decoding the graphics data; an object buffer storing decompressed graphics data obtained by the decoding; and a graphics controller writing the decompressed graphics data to the graphics plane when said graphics processor has completed decoding first or last graphics data in a graphics data set ($G[A_s, B_s]$) for rendering the selected

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state (16:30-50, Setogawa shows a graphic processor decoding the graphic data).

As for dependent claim 20:

Setogawa shows the *reproduction apparatus of Claim 19, said reproduction apparatus reads playlist information recorded on a recording medium, wherein: the play list information includes main-path information and sub-path information; the main-path information indicates the video stream as a main stream and defines a reproduction section of the main stream, the video stream including pictures; the sub-path information indicates the graphics stream as a sub stream which synchronizes with the main stream, defines a reproduction section of the sub stream and includes synchronization information; the synchronization information indicates a synchronization point on a reproduction time axis of the main stream; and the interactive display is represented to be overlaid with a picture of the video stream in the reproduction section of a main stream* (see Chapter Menu in col. 5, lines 50-58 and Angle Menu in col. 6, lines 10-25).

As for dependent claim 21:

Setogawa shows the *reproduction apparatus of Claim 20, wherein: the recording medium containing the graphics stream and the play list information is a re-writable recording medium, and said video stream is recorded on a read-only optical disc* (see optical disc in 1: 15-34).

As for claims 22-24:

Claims 22-24 contain similar substantial subject matter as claimed in claim 15-17, and are respectfully rejected along the same rationale.

As for independent claim 25:

Claim 25 contains similar substantial subject matter as claimed in claim 18, and is respectfully rejected along the same rationale.

8. **It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-**

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33,216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting *In re Lemelson*, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

The Examiner notes MPEP § 2144.01, that quotes *In re Preda*, 401 F.2d 825, 159 USPQ 342, 344 (CCPA 1968) as stating “in considering the disclosure of a reference, it is proper to take into account not only specific teachings of the reference but also the inferences which one skilled in the art would reasonably be expected to draw therefrom.” Further MPEP 2123, states that “a reference may be relied upon for all that it would have reasonably suggested to one having ordinary skill the art, including nonpreferred embodiments. *Merck & Co. v. Biocraft Laboratories*, 874 F.2d 804, 10 USPQ2d 1843 (Fed. Cir.), cert. denied, 493 U.S. 975 (1989).

Response to Arguments

9. Applicant's arguments with respect to claim 15-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Phantana-angkool whose telephone number is 571-272-2673. The examiner can normally be reached on M-F, 9:00-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on 571-272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read "David Phantana-angkool". The signature is stylized with a long horizontal stroke at the end.

/David Phantana-angkool/
Examiner, Art Unit 2175

/William L. Bashore/

Supervisory Patent Examiner, Art Unit 2175